



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during December 2010
DISTRIBUTED: January 5, 2011

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

Sprague Energy Corp., Searsport, Maine. Sprague Energy Corp. ("Sprague") violated provisions of its Department-issued air emission license by exceeding license limits for opacity and failing to meet requirements for continuous opacity monitor uptime. To resolve the violations, Sprague paid \$17,500 as a civil monetary penalty.

Hazardous Waste:

eWaste Recycling Solutions, LLC, Auburn, Maine. eWaste Recycling Solutions, LLC ("eWaste"), a consolidation facility for universal hazardous waste, violated provisions of the Department's rule concerning *Identification of Hazardous Wastes* by: treating universal waste on site; failing to immediately contain and transfer all releases of waste resulting from broken universal wastes other than incidental breakage into an appropriate container; failing to determine by testing, or handle as hazardous waste, clean up residues resulting from spills or leaks from events other than incidental breakage; failing to mark containers of universal waste with the type of waste; failing to store universal waste in closed containers; failing to store universal waste containers with adequate aisle space to be able to inspect the containers and determine the accumulation start dates and container full dates; failing to conduct and document weekly universal waste storage area inspections; failing to properly complete Uniform Bills of Lading for shipments of universal waste; failing to submit quarterly universal waste reports to the Department; and failing to maintain documentation demonstrating that employees have been trained on proper universal waste handling and emergency procedures. In addition, eWaste violated the Department's rule for *Licensing of Hazardous Waste Facilities* by establishing and operating the facility as a hazardous waste facility by demanufacturing televisions and computers containing cathode ray tubes ("CRTs") without a license to do so. Following Department involvement, eWaste advised the Department of corrective actions undertaken including, but not limited to: ceasing demanufacturing of CRTs and intentional breaking of CRT glass; containerizing all broken CRT glass and cleaning floor area; labeling and closing containers of universal waste; providing adequate aisle space for inspection of universal waste; submitting quarterly reports; providing and documenting employee training; began conducting and documenting weekly inspections; and reimbursed the Department for \$328.00 sampling costs incurred by the Department. Subsequently, the Department issued eWaste a license to demanufacture certain universal and electronic wastes. eWaste failed to comply with a condition of the license that required eWaste to notify the Department of recyclers to which eWaste ships demanufactured electronic waste. After receiving notice of this violation eWaste submitted the required information. To resolve the violations, eWaste will pay \$27,500 as a civil monetary penalty pursuant to a payment plan.

Land:

Robert W. Barris, III, Saco, Maine. Robert W. Barris, III ("Barris") violated Maine's *Natural Resources Protection Act* by causing fill to be placed into a protected natural resource. Specifically, Barris caused



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approximately 1,350 square feet of coastal wetland to be filled with soil to create additional lawn area. Following Department involvement, Barris submitted a restoration plan to restore the disturbed coastal wetland and removed fill and restored vegetation in accordance with the restoration plan. To resolve the violations, Barris agreed to monitor the restoration area for reasonable success and paid \$2,682 as a civil monetary penalty.

James Gross, Jr. and Cheryl Gross, Penobscot, Maine. James Gross, Jr. and Cheryl Gross ("the Grosses") violated Maine's *Natural Resources Protection Act* by disturbing soil in and adjacent to a Great Pond and a freshwater wetland without first obtaining a permit from the Department, the *Protection and Improvement of Waters* law by discharging sand and soil to waters of the state without a permit, and the *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involved filling, displacing, or exposing soil or other earthen materials without taking measures to prevent the unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Specifically, the Grosses disturbed soil, placed earthen material and removed vegetation immediately adjacent to Toddy Pond in an area measuring approximately 41,000 square feet. In addition, sand was placed in and adjacent to Toddy Pond in an area of approximately 2,375 square feet. Furthermore, the Grosses disturbed soil and/or placed fill in approximately 1000 square feet of freshwater wetland that is a wetland of special significance due to its proximity to Toddy Pond. At the time of a Department inspection, no erosion controls were in place on the site with the exception of approximately 400 square feet of bark mulch in an area planted with shrubs. To resolve the violations, the Grosses agreed to submit a restoration plan for Department review and approval and implement the restoration plan, and paid \$10,000 as a civil monetary penalty.